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Our prudish censorship unveiled

New York

1915

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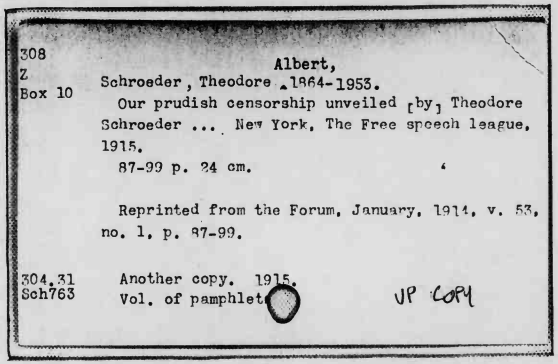

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Our Prudish Censorship Unveiled

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THEODORE SCHROEDER

Compiler "Free Press Anthology," Author "Obscene Literature and Constitutional Law," "Free Speech for Radicals," "Erotogenesis of Religion," etc., etc., etc.

REPRINTED FROM THE FORUM, JANUARY, 1914
Vol. 53, No. 1, Pages 87-99

THE FREE SPEECH LEAGUE
56 EAST FIFTY-NINTH STREET
NEW YORK CITY
1915

THE FREE SPEECH LEAGUE

At Albany, New York, on April 7, 1911, the Free Speech League was incorporated. The incorporators are: President, Leonard D. Abbott, associate editor of *Current Literature;* Vice-president, Brand Whitlock, mayor of Toledo, Ohio; Lincoln Steffens, leading progressive economist; Bolton Hall, author and lawyer; Gilbert E. Roe, law-writer; Treasurer, Dr. E. B. Foote, author of medical books; Secretary, Theodore Schroeder, author and lawyer. In the articles of incorporation the purposes of the Free Speech League are declared to be:

"The principal objects for which said corporation is formed are as follows, viz: By all lawful means to promote such judicial construction of the Constitution of the United States, and of the several states, and of the statutes passed in conformity therewith, as will secure to every person the greatest liberty consistent with the equal liberty of all others, and especially to preclude the punishment of any mere psychological offense; and, to that end, by all lawful means to oppose every form of governmental censorship over any method for the expression, communication or transmission of ideas, whether by use of previous inhibition or subsequent punishment; and to promote such legislative enactments and constitutional amendments, state and national, as will secure these ends." The officers are all unsalaried. If you are interested send a contribution to

THE FREE SPEECH LEAGUE,
56 East 59th St., New York City

Hutchins Hapgood has succeeded the Late Dr. Foote as director.

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10 Sept 1915. M.S.

OUR PRUDISH CENSORSHIP

THEODORE SCHROEDER

I DENY your right and the State's right, even under the pretence of "obscenity," to censor the literature, art or theatres available for my enlightenment or amusement. I deny that the suppression of so-called "obscene" literature has contributed anything to ethical advance. I go farther and deny that "obscenity" is ever a quality of a book, picture, or exhibition and on the contrary affirm that all "obscenity" all the time is exclusively a contribution of the viewing and reading mind. You are a little impatient with me for asserting such "monstrous" propositions? Very well! Just for once suppress your wrath instead of my thought and try to keep an open mind while I briefly suggest the reasoning which convinced me. I admit that now I consider myself wiser than when I thought as perhaps you think at present, and I regret that space limits and the censorship which I attack will not permit a complete statement of my reasons for the change. However, I can suggest a few things which may stimulate you to further inquiry.

Let me discuss the last question first. I affirm that "obscenity," like witches, will cease to exist for you, when you cease to believe in it. Think it over a little. One proof lies in the fact that no man or court ever has been able to make a generally acceptable or generally applicable definition of "obscenity" *in terms of book-qualities,* and many persons, at least as decent as our moralists for revenue, are unable to see "obscenity" where the latter are quite overwhelmed by it. If it had any existence outside the mere mind and feelings of the obscenity-seeing humans, then the standard of "obscenity" would be uniform. But it is not.

Elsewhere I have undertaken to prove all this, but in a manner too technical for a popular periodical. However, I believe I can make my meaning plain by a single illustration. Mr. Comstock says that in doing his work of suppression he has stood "at the mouth of a sewer" for forty years. Mr. Comstock admits that his mind is still "pure," which proves that mental

sewage is harmless for some of us, at least when persistently taken for a long time, in very large doses. This suggests that the remedy against the alleged evils of "obscenity" is more "obscenity" until, by making sex as commonplace as noses, its representation will be equally void of stimulating qualities and all of us will have become as immune against "evil" results as our wild animals, and Mr. Comstock.

It is true beyond doubt that by his most conspicuous activities, he has fixed, in the minds of millions of people, an indissoluble association between mental sewage and the name Anthony Comstock.

Test of "Obscenity" Applied

Thus, the "Comstock Law" has become a synonym for the "obscenity law," and "Comstockery" is an Americanism for our whole system of sex-censorship, at once suggesting to our minds all that which we think is thereby suppressed.

So zealous and unceasing has been his work and so well advertised is its nature that one cannot think of the great suppressor without thinking also of that which he suppresses. That is to say, from the storehouse of our memory the mere words "Anthony Comstock" immediately bring to our consciousness all those impure and libidinous thoughts which we imagine he is trying to exclude from the minds of others and which we are ashamed to confess in ourselves.

The usual judicial test by which a word, book, picture or play is judged "obscene" is *"if it would have a tendency to suggest impure and libidinous thoughts in the minds of those open to the influence of such thoughts and thus deprave and corrupt their morals.* This is the test by which our courts send men to prison cells. Bear that in mind while I make a new application of that standard.

Already I have shown, quite beyond a reasonable doubt, that the mere words "Anthony Comstock" suggest a greater variety of "impure and libidinous thoughts" than probably any other two words of the English language. It follows conclusively, *according to the judicial test,* that the mere words "Anthony

Comstock" should be adjudged the most "obscene" words in the English language. I insist that this is no mere quip of levity but a literal application of the judicial test by which men are being condemned to penal servitude. If the laws were uniformly enforced the mailing of these words would entitle the publisher to five years in jail and a fine of Five Thousand Dollars ($5,000) besides. But, of course, such laws are never intended to be uniformly enforced. They are useful to our savage instinct for revenge when we are in need of a righteous pretence for inflicting pain upon those whom we dislike or fear, for other reasons.

It is obvious in this case that the "obscenity" is not in the words "Anthony Comstock," but rests wholly in the associated ideas and feelings which are attached to these words—*in our own mind.* So it is in every other case of "obscenity." It always exists exclusively in the minds of those who see it because they believe in it, and no one should be punished on the theory that it exists in a name, a picture, a book or a play.

On Indecent Shows

When I have talked like this about the obscene superstition being founded wholly in the feelings of those who believe in it, some one is sure to suggest that I must be a "Christian Scientist" as to my disbelief in "obscenity," and then ask me some such question as this: "Would you take the women you most esteem to a theatre exhibiting absolutely nude dancers, and if not, why not?" I see no reason in the nature of such exhibitions to deter me from taking any normal woman there who for any reason whatever desired to go. I will add that in my judgment such a desire in itself would be nothing to her discredit. Such a woman would already have seen herself and some other human quite naked and without injury to anyone. She would receive no more harm from such an exhibition merely because now the naked human was upon a stage some distance removed.

If I hesitated at all about taking such a woman to such a performance, it would not be on account of the character of the exhibition, but on account of the character of the audience. If

there were to be any professing "pure" people in the audience, such people as believe or pretend to believe the puritan lie that nudity and lewdity are inseparable, these would probably be compelled to act in accord with their puritan beliefs and, therefore, would invade others with their sniggering and blushing vulgarity, or something worse. I might fear the unpleasant possibilities of associating with "purists" under circumstances so trying to their assumed character. Long suppression of their real nature and its hypocritical concealment might produce a very unpleasant outbreak in which the real abnormity of their "pure" nature would reveal itself unpleasantly to those who did not care to see or to study it. I would not in the least fear any ill effect from the exhibition itself, nor from the healthy minded and educated sensualists of the audience. I speak from a little experimental knowledge, as well as some considerable acquaintance with sexual psychology.

Just in proportion to our physical lewdness are we sensitive to lewd suggestions. There is no need to be ashamed of the fact that we all have some of it in us, only let us keep ourselves healthy minded—and honest about it. Just to the extent that our lewdness becomes unhealthy, that is, abnormal in its intensity and in its power over us, just to that extent we increase the number and the remoteness of the objects which in our minds are associated with lewdness and which therefore will suggest lewdness to us.

In the psychologic laboratories this law is applied under the name of association-tests. Let me illustrate. A group of people contemplating a nude figure would have many varieties of related images coming to their mind, each according to a special psychologic imperative, manifesting the dominant thought of the observer. The true artist would think first of a beauty of curves, of symmetry and of coloring; the athlete would think first of proportion and muscular development; the biologist would probably have suggested to his mind the relation of the human organs to the corresponding parts in lower forms of life, while from such a nude figure "pure" people would get mainly the idea of lewdness, *for unto the lewd all is lewd.*

The more lewd people are, the more vivid will be their

imaginative lewdness and the more lewdness will they read into that which they see. If conscious and ashamed of their condition, then the more deeply will they be "shocked" by the fear that others will discover that lewdness in their "pure" minds, of which they have become conscious through the process of projecting it into the thing viewed. Therefore, the most lewd people often feel the greatest compulsion toward concealing their true nature behind a prudishness which is intense in proportion as the lewdness is great which it is constructed to conceal. Therefore, we measure the lewdness of prudes by the strength of the urge which impels to the defence of their "purity." Lewd "pure" persons usually evince great capacity for discovering lewdness where more normal people are unable to find it, and foolishly think to conceal, rather than measure their own condition, by the vehemence of their denunciation of it—in others. Thus the psychology of hysteria has given us proof that the greatest salacity is always to be found as the source of the greatest prudery. Of course, here I always refer to that prudery which is genuine and not such as is the mere fear-inspired imitation of others.

Shame No Virtue

This brings me to the frequent assertion that in the "instinct" of shame humanity must find its chief preservative of virtue. I deny it. Modesty in the ordinary sense of capacity for sex-shame, is no virtue at all, nor the protector of virtue. It is only conscious weakness or cowardice; that is excessive lewdness or hypocrisy, and probably a mingling of both. That person who knows only shame as a motive for continence is the easiest victim of seduction, because such need only be fooled by a sufficient assurance of secrecy to yield to temptation. Furthermore, such persons will be abnormally sensitive to temptation just to the same degree that they are abnormally sensitive to shame.

Those whose virtue is shameless but grounded in a knowledge of the whole simple truth cannot be fooled into immorality under any circumstances, because *they know* what is harmful and an

enlightened self-interest will protect them against injuring self or society. Neither can they be reasoned into immorality because we have postulated that they *really* know the truth, and having that, correct reason and true ethics are inseparable.

Morals and Ignorance

So we come to the problem of morals and ignorance. The prevalent theory is that you cannot teach any kind of sex ethics without making contrasts with immorality, the suggestion of which, some people say, is "far worse and more seductive than is the placing of the originals in all their abhorrent, disgusting, clammy, physical details before the blood and flesh eyes and reach." Some go as far as to apply this logic to the Catholic confessional, where the father confessor seeks to lay bare unreservedly not only all the sin, but also all the causes and inducements to sin. The claim is made that by the questions which probe to the very bottom, he often suggests vices not yet dreamed of. This, it is urged, is very pernicious.

Those who advocate such notions falsely assume that if no sexual knowledge is imparted by a relatively intelligent instructor, then sensual ideas will never come into the mind of a child. Of course, this is absurd. So, then, the only question is whether it is dangerous and immoral to supplement the information acquired from a servant or on the street, or to anticipate it with greater intelligence accompanied by better motives. Thus stated there can be but one answer to the question, and even the prying questions of the confessional will be found on the whole to have a wholesome effect.

For every person kept from prostitution by sex ignorance, I believe that ten have been forced to it more or less directly through that same ignorance, and the superstitious intolerance of friends and parents toward the girl who is known to have violated sex conventions. How sad is the moral state produced by our puritanic training if ignorance of sex is the chief guardian of religious virtue! The problem of prostitution will never be solved by hysterical vituperation. We should help its solution by withdrawing our sex-censorship, and thus allowing all people

to know those facts of the physiology and psychology of sex, the ignorance of which makes a failure of so many marriages, and which thereby creates much of the demand for the "social evil."

I concede that dogmatic asceticism might be discredited by thorough sex-education. Between the dogmatic morals of ascetic theologians and ethical science I see the same irrepressible conflict which the hosts of ignorance and mystery have always waged against the army of progress. It is to be expected, therefore, that our moralists for revenue will defend their job with the weapons of desperation, chief among which is our censorship.

Health and Morals

A normal person having been taught what constitutes a healthy sex-life, psychologically as well as physiologically, and being allowed to live in accordance with that knowledge, will never become either dangerous or degenerate merely by learning a little more. And for the rest the remedy lies not in maintaining the ignorance of all but rather in increasing intelligence so that even parents will know how to avoid the birth and development of defectives. In other words, in the realm of sex, as everywhere else, immunity from evil must be sought in the spread of scientific truth, all the truth that is known, and by fearlessly seeking for truths yet unknown.

False Sex-Hygiene

This brings me to a consideration of what is now miscalled sex-hygiene. Much of this I suspect to be conscious fraud or stupid imitation, both thriving on prudish ignorance. To use blind fear of hell-fire or of venereal disease as a means of frightening people into asceticism and its attendant vices, is not sex-hygiene. Neither will I concede that conformity through such unintelligent fear is morals. If the alleged eugenists honestly and intelligently desired to promote health, they would spread available information as to medical protection against such contagion and as to the treatment and cure of these diseases. Instead some purists denounce such information and in some States they have succeeded in penalizing it, upon the theory that such

intelligence tends to make "vice" safe, and therefore promotes immorality. At the bar of an intelligent ethics these will some day be called upon to explain why any conduct should be called vicious or immoral which has been made perfectly harmless. We must not steal the livery of eugenics to serve the devil—asceticism.

Race Suicide and Eugenics

If these pretending eugenists were in earnest and combined intelligence with honesty, they would make some real effort toward opening the way for educating people how to avoid unwelcome children, especially in the homes of defectives and poverty-stricken parents. Those outrageous laws which make it a crime, even for a physician by post, orally or otherwise, to inform even mature or married people how to avoid conception would soon be repealed if our eugenic babblers had any real interest in race betterment. So long as these look upon the birth of defective children as the work of God, and all voluntary sterilization of marriage as the work of the devil and criminal, so long their interest in eugenics will be the damnation of the movement. It is precisely in such cases and in the matter of medical prophylaxis against venereal infection, that theologic dogmas and ethical science come into most violent conflict.

Out in Colorado is a case illustrating the point. A female spy of the post office department wrote to a physician for information as to means of preventing conception. She made a eugenic plea, telling a story of a husband discharged from an asylum, defective children already born and a desire to avoid others. The desired information was sent by mail. The spy changed her name and location, wrote a similar appealing letter and received the same information. That doctor is now serving a ten year sentence in a federal prison—five years for each of these letters. What would sincere eugenists do to such a law? What are our present "eugenists" doing about it?

Dogmatic Morals versus Ethics

All this suggests the important conflict arising from diversity in the criteria of morality. Some will tell you that the only

standard is "a norm of action prescribed by a personal God," and then disagree with their fellow Christians as to what the personal God has prescribed as a "norm of action." Here those various religious sects, such as Mohammedans, Roman Catholics, Mormons, Shakers, Bible Communists, etc., etc., come into most violent conflict. Those who do not receive confidential and personal communications direct from God and cannot accept them at second hand, are a little perplexed and necessarily must use their reason to determine by non-religious standards which of the religious codes is best. For the want of personal revelation such persons must reason from experience and so must make their ethical judgments of conduct depend wholly upon the presence or absence of actual and material injury to others. So the dogmatic morals of ascetic theology, together with the more frankly avowed sensualism of others, must both submit to the check and justification of the cold logic machine, or be abolished by those striving for a rational judgment by scientific methods.

Furthermore, about sixty per cent. of our population are unchurched and take little or no stock in anybody's claim to a divine revelation defining the "norm of action." Are such persons to be left without any moral standard, simply because they cannot be frightened by hell-fire, or distorted statistics of disease, or because they take just as little stock in the prevailing moral sentimentalism? I insist that a genuine interest in race betterment requires that to these unchurched ones be conceded the right and the opportunity to apply the general standards of ethical science to their personal problem of sex. This they cannot do without having full knowledge of *all* the known facts; that is, as to causes, alternatives, consequences and the scientific control of consequences. But this is exactly what one may not know under our present outrageous censorship. For example, Professor Malchow of Hamlin College was given two years in jail for selling to laymen, who are just plain American Sovereigns, a serious high class book on "The Sexual Life" which had the indorsement of clergymen and the local leaders of the medical profession. It is in innumerable such ways as this that our moralists for revenue, operating under the pretence of suppressing "obscenity," are exhibiting their own naked minds and to

the uttermost of their ignorance and malice are promoting real immorality.

In the present state of ignorance and uncertainty as to ethics and sexual psychology, our mental mechanism is too diversified, complex and obscure to enable anyone to predict with certainty the general "moral tendency" of any piece of literature or art. That which produces "good" effects upon some minds will produce "bad" effects upon other minds, according to what is already there. That which some thoughtful persons consider harmless and wholesome joy, others consider "highly immoral." In some minds the "best" books, by their distorted perspective and glaring omissions, suggest very much evil, while to other minds the "worst" books suggest very much that is humanizing and educating. Therefore no one is good enough to strike a balance for society as a whole on a book's "moral tendency" considered as a whole. The only alternative is that the destiny of our intellectual and moral progress shall be left to the whim, caprice, or superstition of an ignoramus, and this is insufferable except for other like ignoramuses.

The less we know of the complexity of the psychic and emotional factors of the problem, the simpler its solution will appear to us, until we reach that ultimate assurance of moralists for revenue. Their very eagerness to be our censors shows ignorance of the responsibility, the difficulty and the delicacy of the task; and thus proves their unfitness for it. By the widest intellectual freedom it is possible that in time humans will know their own mental powers and operation well enough to decide, almost without error, what intellectual stimulation does good to themselves, and thus act wisely as their own censors. Since the dawn of history and science humanity has never tried complete intellectual freedom. Therefore it may be a little too utopian to believe that any of us will ever approximate to the wisdom for intelligent self-censorship. But until we have evolved through and far beyond that stage it is sheer impudence to pretend competence as censors for our peers.

Psychologic Factors of Sex

Contagious sexual diseases are a terrible blight even without the prevalent puritan exaggeration. But bad as these are, in my

judgment they are almost trifling compared with the anguish that is produced through ignorance of sexual psychology. "Pure" people, who do not know the nature of their affliction, often are the victims of this ignorance and in turn impose it upon others. They ignore the mental and emotional factors of sex and create a needless and painful havoc.

They think to promote race culture by making marriage difficult and succeed only in increasing the number of "illegitimate" children, the candidates for prostitution and for nervous diseases; they attempt to make divorces more difficult and succeed largely in popularizing adultery and blackmail and increasing the demand for prostitutes; they desire to make "vice" unsafe and prolong unnecessarily eradicable diseases and in addition thereto create new ones; they think to improve morality through sex separation and they succeed only in increasing sex inversion; they denounce the normal sex life and thereby increase the sexual psycho-paths. They attempt to prevent the deliberate limitation of offspring and they multiply chiefly paupers and degenerates. In short, from ignorance they use fear and force to impose anti-natural "morals" and so create physical and mental as well as moral wrecks, where the widest intelligence freely imparted would remedy all the real ills of which they complain as well as preclude those ills which they create, quite unintentionally.

Here I am compelled to rest my case on dogma, because our puritan masters would put the editors in jail if on this subject they published the whole simple truth, to just plain American citizens who are denied the right to know the most potent facts by the laws which keep the multitude in ignorance and keep our moralists for revenue in office. Thus the dogmatic moralists use legalized violence to suppress conclusions and ideals which they do not understand and the supporting argument which they cannot answer.

The Remedy

There may be such persons as would seek wealth by appealing to that morbid curiosity which is fostered by our censorship through its suppression of the natural and healthy curiosity. Many so-called "purity books" now published have no excuse

for their existence, other than that they appeal to this morbidity. If the legitimate curiosity about sex were adequately satisfied in the home and schools, these false and foolish books would have no market. The same can be said of the more frankly pornographic literature, which would come into temporary existence if all the bars were lowered. Mental freedom will bring its own remedy for its own temporary evils, just as our censorship by increasing the morbidity seemingly increases the necessity for its own baneful existence. Never before has it been possible even to approximate adequate sexual education because our prudishness has greatly retarded the growth of sexual sciences.

Those who are so far diseased that any book or picture could stimulate them to ruin, are already too long neglected to be saved merely by withholding that stimulant. A little excitement now and then is utterly harmless for the healthy bodied and the healthy minded. If injury seems to follow stimulation the fault is not with the stimulant, but with the puritanism which imposed ignorance and unnatural living and thereby created most of the morbidity upon which the injurious result depends. The remedy is education and freedom for all healthy ones, and perhaps isolation and treatment for the remainder.

If we would prevent such evils, then our sex education should begin with children the day after they are born, and should be of such a character as forever to preclude sex-shame. Above all else let us endeavor to prolong the unprudish pure-mindedness and open-mindedness of childhood as a basis for a sane and rational morality. After that the only sure and lasting remedy for any of the ills of ignorance is more knowledge, and this can only be had if first we get more mental freedom for the knowing of evil as well as of good. It is necessary to permit a knowledge of the evil, not only that we may the better understand and avoid it, but also because no one is either wise enough or good enough to select and control the mental food of his peers. It is impossible to draw an exact line by which to control our censors, and without that tyranny and oppression must prevail and much that is really wholesome and wise is suppressed with the rest. Let it not be forgotten that even "pestilential literature" carries its useful lesson for those who have eyes to see.

In the course of this conflict between moral dogma and ethics some will mistake a little knowledge for the whole truth and as in every other field of human endeavor these will have to pay the price of their error, just as now many are paying heavy penalties for the misinformation being handed out by those who think ignorance excuses falsehood in the interest of dogmatic sex morals. Again the obvious remedy is more knowledge and less censorship.

Always the cure for the sorrows of misinformation and half knowledge is more information. In every field of human progress we must go through the stages of ignorance, superstition, dogma, error and half knowledge, in order to arrive at the whole truth. Here, as everywhere, it is a question of the survival of the fittest. In the long run, that means the survival of those whose ethical code is founded on the largest and most accurate knowledge of the conditions of wholesome living, as these are revealed by advancing science.

Let us then annihilate this outrageous censorship, as our American constitutions were designed to do, and thus give everybody a chance to know all that is to be known, even upon the subject of sex; let truth grapple with error in a free and open field and in so far as we have the truth we shall prevail, and where we have it not, that fact and the remedy will be the sooner discovered through freedom for the interchange of *all* ideas, even those about sex morals, sex hygiene, eugenics and the physiology and psychology of sex, yes, even for the "worst" of such I demand this freedom for myself and for every other human, as a natural and constitutionally guaranteed right.

INTELLECTUAL HOSPITALITY

BY THEODORE SCHROEDER.

To have some intelligent appreciation of how much of the knowable is yet unknown, conduces to that humility which is the beginning of wisdom. To know something of the past struggles for human progress conduces to an appreciation of how little is probably true of what we think we know. Thus to see our attainments in their true relations to past beliefs and their probable relation to future knowledge conduces to a true measure of our great ignorance. To have this is to be without censure, because without a stupid pride. To love truth more than our vain predispositions; to love harmlessness of life more than moral sentimentalism; to be free from phariseeism, because knowing the diversity and uncertainty of standards; to be unafraid of new evidence, and unoppressive toward new allegations of truth; to be controlled by a selfishness of so high an order, that your greatest happiness comes from studying all problems from the impersonal viewpoint, and making all judgements by impersonal standards; to have the desire *to be right* always overpowering the desire that others *esteem* us to be so; never to impose one's opinion by invasive force; never to be impatient, except, perhaps with dogmatism and intolerance —this is the essence of intellectual hospitality. In addition to this, if you show that rare disposition to make a substantial sacrifice for defending the right to be heard, of those whose opinions you disapprove, you would have a virtue so rare as to be almost heroic.

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